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OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

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FEB 28 2001

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February 28, 2001

SENT VIA EXPRESS MAIL

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B-204
Washington, D.C. 20554

Re: Department Reply Comments in CC Docket No. 01-9: Application by Verizon New England, Inc., et al., for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in Massachusetts

Dear Ms. Salas:

The Massachusetts Department of Telecommunications and Energy ("Department") has reviewed all of the initial comments filed in CC Docket No. 01-9, Verizon Massachusetts'¹ application to offer long distance service in Massachusetts, by interested parties. We will respond with additional comments on the following limited issues: collocation power charges; competitive local exchange carrier ("CLEC") access to digital loop carrier ("DLC") information; VZ-MA's line splitting and unbundled packet switching obligations imposed by the Department; and VZ-MA's Performance Assurance Plan ("PAP"). The other issues raised by the commenters were either already addressed by the Department in our previous filings

¹ Verizon New England, Inc. d/b/a Verizon Massachusetts ("VZ-MA").

(including those from CC Docket No. 00-176) or not presented before the Department during our investigation of VZ-MA's compliance with its § 271(c)(2)(B)² obligations.

A few carriers, Covad Communications Company ("Covad") and Rhythms NetConnections, Inc. ("Rhythms"), dispute VZ-MA's reported digital subscriber line ("xDSL") performance with respect to their service orders.³ As we noted in our Supplemental Evaluation, should the Federal Communications Commission ("FCC") request our assistance, the Department is prepared to reconcile discrepancies between VZ-MA's and the CLECs' data.

I. CHECKLIST ITEMS

A. Checklist Item 1 - Collocation⁴

In its comments, Covad argues that VZ-MA improperly charges CLECs for the amount of power used by the CLECs in their collocation arrangements.⁵ Although the Department addressed this issue in the CC Docket No. 00-176 filings we made last year,⁶ an update may be helpful to the FCC and interested parties. On January 12, 2001, VZ-MA filed with the Department a proposed tariff modifying, among other things, how its collocation power charges are calculated. The Department approved this filing on February 15 and has attached a

² 47 U.S.C. § 271(c)(2)(B).

³ See e.g., Covad Comments at 13-16; Rhythms Comments, Williams Aff. at ¶ 26, Attach. B.

⁴ Several carriers continue to raise VZ-MA's special access performance in the context of both checklist items 1 (trunking) and 5 (transport). See Global Crossing North America, Inc. Comments; Competitive Telecommunications Association Comments. Based upon our review of previous FCC § 271 Approval Orders, we disagree with those commenters that argue that VZ-MA must report its special access performance as a condition of § 271 approval or that this performance must be at a certain level to receive § 271 approval. Specifically, in response to a Global Crossing complaint raised in the Texas § 271 proceeding, the FCC held that "it does not consider the provision of special access services pursuant to a tariff for purposes of determining checklist compliance." SWBT Texas Order at ¶ 335 (full citation provided below).

⁵ Covad Comments at 35-39.

⁶ See e.g., D.T.E. Evaluation at 40.

copy of this tariff to these reply comments.⁷ Moreover, the Department opened a proceeding earlier this year, D.T.E. 01-20, to investigate all of VZ-MA's unbundled network element ("UNE") and resale rates, which will include its collocation power charges. Finally, we note that on February 22, 2001, Covad and AT&T Communications of New England, Inc. filed with the Department a complaint about VZ-MA's power charges. Pursuant to Department rules, VZ-MA must file a response to this complaint by March 8, 2001. The Department will take appropriate action after it reviews these filings.

B. Checklist Item 2 - OSS

One commenting carrier, Sprint Communications Company, L.P. ("Sprint"), argues that VZ-MA fails to meet its obligation to provide nondiscriminatory access to all of the loop data in VZ-MA's possession.⁸ According to Sprint, VZ-MA has refused Sprint's request for the locations of, and other demographic information about, VZ-MA's DLC equipment.⁹ In a Department arbitration proceeding, Sprint's request for information about VZ-MA's DLC data was slightly more specific. In that proceeding, Sprint sought the following: the technical parameters of the DLC; the technical parameters of the plant; and the potential number of customers that could be offered xDSL services.¹⁰ The Department denied Sprint's request after determining that the information it sought went well beyond requirements imposed on incumbent local exchange carriers ("ILECs") by the FCC in its UNE Remand Order.¹¹ On January 2, 2001, Sprint filed a motion for reconsideration of the Sprint Arbitration Order; thus, this issue remains the subject of an open proceeding before the Department.

⁷ See Appdx. A.

⁸ Sprint Comments at 4-8.

⁹ Id. at 6.

¹⁰ Petition of Sprint Communications Company L.P., pursuant to Section 252(b) of the Telecommunications Act of 1996, for arbitration of an interconnection agreement between Sprint and Verizon Massachusetts, D.T.E. 00-54, at 12 (December 11, 2000) ("Sprint Arbitration Order").

¹¹ Id. at 14, citing Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 99-238, at ¶ 427 (rel. Nov. 5, 1999) ("UNE Remand Order") (requiring ILECs to provide information about the existence, location, and type of DLC on the loop).

C. Checklist Item 4 - xDSL-Capable Loops

In addition to disputing some of VZ-MA's carrier-specific xDSL performance data, several carriers question whether VZ-MA is presently meeting its line splitting obligations.¹² The Department addressed this issue in its Supplemental Evaluation;¹³ therefore, we will only update the information contained in that earlier filing. On February 21, 2001, the Department issued an Order clarifying VZ-MA's line splitting obligations.¹⁴ We require VZ-MA to make line splitting available in Massachusetts in accordance with relevant FCC Orders and clarify that our directives do not go beyond those set forth in the FCC's SWBT Texas Order and its Line Sharing Reconsideration Order.¹⁵

The Department also made clear in this Clarification Order that VZ-MA is required to file a proposed unbundled packet switching tariff for consideration but, that unless certain conditions are met, the Department will not require VZ-MA to make this offering available to CLECs.¹⁶ Pursuant to an earlier Department Order, VZ-MA must file a so-called plug and play tariff by March 9, 2001.¹⁷ Because we determined that certain findings must be made by the Department before we require VZ-MA to offer unbundled packet switching, absent an FCC

¹² Covad Comments at 9-10; WorldCom, Inc. Comments at 24-28.

¹³ See D.T.E. Supplemental Evaluation at 39-41.

¹⁴ Appdx. B (Phase III-B Clarification Order, D.T.E. 98-57-Phase III, at 3 (February 21, 2001)).

¹⁵ Id., citing Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas, CC Docket No. 00-65, Memorandum Opinion and Order, FCC 00-238 (2000) ("SWBT Texas Order"); and Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, FCC 01-26 (rel. Jan. 19, 2001) (further citation omitted) ("Line Sharing Reconsideration Order").

¹⁶ Appdx. B at 3-4.

¹⁷ Phase III-A Reconsideration Order, D.T.E. 98-57-Phase III, at 45 (January 8, 2001).

ruling to the contrary,¹⁸ we disagree with Rhythms' contention that we must approve this yet-to-be-proposed tariff before the FCC may grant VZ-MA's § 271 application.¹⁹

II. PERFORMANCE ASSURANCE PLAN

A few commenters argue that absent Department approval of or modification to VZ-MA's proposed PAP, filed with the Department on January 30, 2001, the FCC cannot conclude that VZ-MA's application is complete.²⁰ As we noted in our Supplemental Evaluation, the Department sought comment on VZ-MA's January 30, 2001 PAP proposal. After consideration of these comments, the Department approved VZ-MA's proposed PAP revisions on February 23, 2001.²¹

III. CONCLUSION

The Department began its investigation of VZ-MA's compliance with its § 271 obligations shortly after VZ-MA filed its pre-FCC application with the Department on May 24, 1999. To be clear, this earlier VZ-MA filing was a good start but, in retrospect, did not demonstrate that VZ-MA met all of the rigorous standards subsequently set by the FCC in its § 271 Approval Orders. The thousands of hours of work over the past 20 months by VZ-MA, the Department, interested parties, and KPMG Consulting, L.L.C., has pushed VZ-MA to file the most comprehensive and carefully reviewed § 271 application (together with its filings from CC Docket No. 00-176) that the FCC has received to date.

Our review of the extensive record from our § 271 proceeding enables us to conclude, without reservation, that VZ-MA is indeed providing competitors with an acceptable level of performance in accordance with the principles set forth in the U.S. Department of Justice's most recent filing in this proceeding.²² As VZ-MA's supplemental application makes clear, Massachusetts customers are benefitting from competition in the local telephone markets and there is no reason for any further delay in giving Massachusetts customers the option of

¹⁸ We note that the FCC recently sought comments on whether a requesting carrier may physically or virtually collocate its line card at the remote terminal by installing it in the ILEC's DLC for the purposes of line sharing. See Line Sharing Reconsideration Order at ¶ 56.

¹⁹ Rhythms Comments at 21.

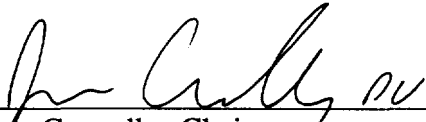
²⁰ Massachusetts Attorney General Comments at 7; WorldCom, Inc. Comments at 40 n.26.

²¹ Appdx. C.

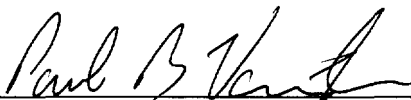
²² Department of Justice Evaluation at 6-7.

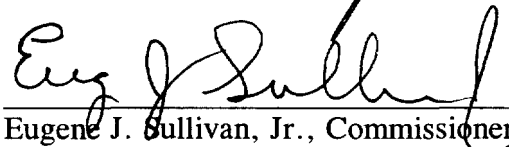
choosing VZ-MA for interLATA long distance services. Consequently, the Department respectfully requests the FCC to grant VZ-MA's § 271 application.

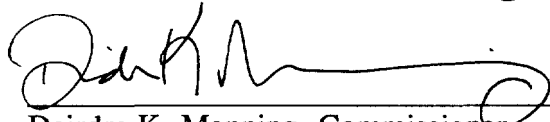
By the Commission,


James Connelly, Chairman


W. Robert Keating, Commissioner


Paul B. Vasington, Commissioner


Eugene J. Sullivan, Jr., Commissioner


Deirdre K. Manning, Commissioner

cc: Susan Pie, Policy and Program Planning Division
Common Carrier Bureau, Room 5-C224

Josh Walls, U.S. Department of Justice
Antitrust Division

APPENDIX A

Robert Mudge
President - Massachusetts

TT00-02

January 12, 2001

Department of Telecommunications & Energy
Commonwealth of Massachusetts
1 South Station
Boston, Massachusetts 02110



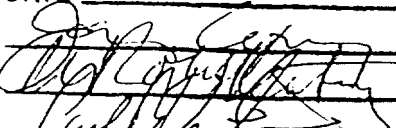
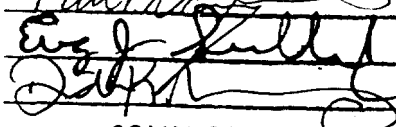
Verizon Massachusetts
185 Franklin Street, Floor 18
Boston, MA 02110

Phone 617.743.8800
Fax 617.743.8885
w.r.mudge@verizon.com

ATTENTION: Senior Rate Analyst

We are hereby filing as of January 12, 2001, for effect February 11, 2001, tariff material consisting of the following:

Part/Section	Revision of Page(s)	Original of Page(s)
B/6	16	N/A
E/2	3, 17-18, 24	17.1
E/3	13	N/A
E/6	2	N/A
E/9	2	N/A
E/11	4	N/A
M/2	14	N/A
M/3	1-2	N/A

APPROVED	
DATE	15 FEB '01
	
	
COMMISSIONERS, D.T.E.	

Verizon -Massachusetts ("Verizon-MA") proposes in this filing to reduce the Department-approved rates for Meet Point A (end-office trunk-side connection), Meet Point B (tandem connection), and Meet Point C (end-office line-side connection) interconnection arrangements. The current Meet Point A, B, and C interconnection rates were set using the FCC's TELRIC methods and meet the pricing standards in Section 252(d) of the Telecommunications Act. Verizon MA is, however, proposing these rate reductions to "flow through" applicable switching and transport rate reductions approved by the Department on October 13 and October 18, 2000.

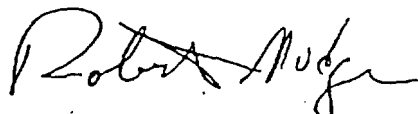
Verizon MA also is proposing in this filing to revise the methodology used to calculate the Unbundled TC Reciprocal Compensation (UTCRC) rate. As explained in Part B, Section 6.3.2.E.5, the UTCRC rate applies when a call from an unbundled line port terminates to a Telecommunications Carrier ("TC") switch. The UTCRC rate, which is assessed on a per minute of use basis to the originating line port, is intended to recover the terminating inter-carrier charges that will be assessed to Verizon MA by the terminating TC. The existing UTCRC rate structure uses the Meet Point B interconnection charge as a surrogate for the reciprocal compensation charges Verizon MA pays to CLECs. Verizon MA is proposing to replace this rate structure with one that reflects the actual per minute reciprocal compensation charges Verizon MA pays to

CLECs. Verizon MA proposes to recalculate and file updated UTCRCC rates for immediate effect on a quarterly basis.

Finally, Verizon MA is proposing in this filing to revise collocation regulations regarding application of power rates. Specifically, Verizon MA proposes to change the tariff to provide for power on a per load amp requested basis rather than on a per fused amp basis. Regulations for random inspections to verify actual power load drawn by physical collocation arrangements are also being introduced in this filing.

Attached are the necessary tariff pages. Please return the copy with your stamp of receipt.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Mudge". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "Mudge".

President - Massachusetts

Robert Mudge
President - Massachusetts

TT00-02

January 12, 2001

Department of Telecommunications & Energy
Commonwealth of Massachusetts
1 South Station
Boston, Massachusetts 02110



Verizon Massachusetts
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E/11	4	N/A
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M/3	1-2	N/A

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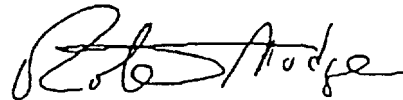
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rob Dodge", written in a cursive style.

President - Massachusetts

Verizon New England Inc.

6. Local Switching
 6.3 Usage

6.3.2	Application of Rates and Charges	
E.	(Continued)	(C)
5.	<p>Unbundled TC Reciprocal Compensation Charge—When a call from an unbundled line port terminates to a TC switch, this charge will be assessed to the originating line port minute in order for the Telephone Company to recover the terminating intercarrier charges that will be assessed to the Telephone Company by the terminating TC. This charge will be a composite of the TC termination charges assessed to the Telephone Company. Unbundled TC reciprocal compensation charge composite rates will be recalculated on a quarterly basis to reflect the average rate per minute paid to CLECs by the Telephone Company over the previous three-month period. The Telephone Company will file with the DTE, for effect immediately, revised tariff pages incorporating the appropriate unbundled TC reciprocal compensation charge rate adjustment. Upon DTE approval, said rates will apply on a prospective basis. In addition, the Telephone Company reserves the right to seek immediate relief at any time should a change in law, regulation or the terms of interconnection agreements materially effect the Telephone Company's reciprocal compensation obligations or the effective reciprocal compensation rate the Telephone Company is obligated to pay CLECs.</p>	(C)
6.	<p>Reciprocal Compensation for Interexchange Traffic—When an interexchange call from an unbundled line port leased by a TC terminates to a Telephone Company switch, intraLATA switched access rates and carrier common line rates as set forth in DTE MA No. 15 apply.</p>	
F.	<p>Use of the local switch by the TC's end user will be recorded on the same basis that the Telephone Company records calls for its own customers. Where available, recordings will be utilized to bill local switching usage to the TC and will be provided to the TC for their use in billing their end users.</p>	

Verizon New England Inc.

2. Physical Collocation

2.2 Responsibility of the Telephone Company

2.2.1 Accommodations

- | | |
|----|--|
| A. | The Telephone Company will permit the CLEC to establish a multiplexing node at the specified Telephone Company central office where the CLEC desires to interconnect or access unbundled network elements in order to place the necessary equipment. This service is subject to the availability of space and facilities in, on or above the exterior walls and roof of each central office where interconnection is requested. Upon request, where there are two entry points to Telephone Company cable facilities, the Telephone Company will provide two separate points of entry to the serving wire center for the CLEC's fiber optic cable, except where one entry of a two entry office is filled to capacity. |
| B. | In addition to the floor space, the Telephone Company will provide -48V DC power and AC power, battery and generator back-up power, AC power convenience outlets, heat, air conditioning and other environmental support to the CLEC equipment in the same manner that it provides such support items to its own equipment within that central office. Standard -48V DC power shall be provided per load amp, per feed. If requests for power or environmental support exceed the existing central office capacity, any extraordinary costs to provide that expanded capacity will be borne by the CLEC. |
| C. | The Telephone Company will make a reasonable effort to place collocation nodes in areas of the central office requiring the least amount of site preparation cost possible, where space is available. In the event that demand for collocation nodes necessitates the construction of a separate room, or conditioned central office space is not available, special construction charges will apply in order that the Telephone Company recover the costs for such special construction. When appropriate, special construction charges will be prorated in accordance with Section 2.6. |

2.2.2 Deployment Requirements

- | | |
|----|--|
| A. | The Telephone Company reserves the right to prohibit all equipment and facilities, other than fiber optic cable, from its entrance manholes. No splicing will be permitted in manhole zero. The CLEC must provide underground fiber optic cable in manhole zero of sufficient length as specified by the Telephone Company to be pulled through the central office conduit and into the central office cable vault splice location. The CLEC is responsible for placement of the fiber optic facility within manhole zero and is responsible for the maintenance of the fiber optic cables. |
| B. | The Telephone Company is responsible for installing CLEC-provided fiber optic feeder cable in the conduit space. To avoid unnecessary reinforcements or rearrangements, the CLEC will be required to provide a three year forecast for planning and duct allocation purposes. The Telephone Company may provide shared conduit with dedicated inner duct. The CLEC will not be permitted to reserve space in the central office conduit. If new conduit is required, the Telephone Company will negotiate with the CLEC to determine a further arrangement to deal with the specific location. |

Verizon New England Inc.

2. Physical Collocation

2.3 Responsibility of the CLEC

2.3.5 Inspections

C.	If at any time the Telephone Company reasonably determines that the CLEC's facilities or equipment or the installation of the CLEC's facilities or equipment do not meet the required standards, the CLEC will be responsible for the costs associated with the removal of such facilities or equipment or modification of the facilities or equipment or installation thereof to establish compliance. If the CLEC fails to correct any noncompliance with these standards within fifteen days' written notice to the CLEC, the Telephone Company may have the facilities or equipment removed or the condition corrected at the CLEC's expense.	
D.	<p>If the Telephone Company reasonably determines that any CLEC activities, equipment or facilities are unsafe, do not meet the required standards or other specifications set forth in Part E of this tariff, or are in violation of any applicable fire, environmental, health, safety or other laws or regulations, the Telephone Company has the right to immediately stop such activities or the operation of such facilities or equipment.</p> <ol style="list-style-type: none"> When such conditions do not pose an immediate threat to the safety of the Telephone Company's employees, interfere with the performance of the Telephone Company's service obligations, or pose an immediate threat to the physical integrity of the conduit system or the cable facilities of the Telephone Company, the Telephone Company will provide the CLEC fifteen days written notice to correct the condition. When such conditions pose an immediate threat to the safety of the Telephone Company's employees or others, interfere with the performance of the Telephone Company's service obligations, or pose an immediate threat to the physical integrity of the roof, the walls or the cable facilities of the Telephone company, the Telephone Company may perform such work and/or take such action that the Telephone Company deems necessary without prior notice to the CLEC. The CLEC is responsible for time and material charges associated with the cost of this work and/or actions. 	
E.	<p>The Telephone Company reserves the right to perform random inspections to verify the actual power load being drawn by collocation arrangements. A CLEC found to be drawing more power than ordered at a site is in violation of the tariff and the following penalties will apply.</p> <ol style="list-style-type: none"> The CLEC will be assessed a penalty fee equal to two times the total amps fused to the collocation arrangement for the time period from when the arrangement was installed (or converted to the power load billing method) to the date that the inspection revealed a violation. The penalty fee is in addition to the monthly rate applicable for DC power. On the date that the inspection revealed a violation, the Telephone Company will convert the CLEC's power back to the billing method based on total amps fused to the collocation arrangement. 	(N) (N)

Verizon New England Inc.**2. Physical Collocation**
2.3 Responsibility of the CLEC

2.3.5 Inspections	
E. (Continued)	
3.	The Telephone Company reserves the right to assess time and material charges associated with the costs of performing this inspection and for the inspection and verification of all collocation arrangements in Massachusetts. (N)
F.	Annually, each CLEC must submit a notarized statement in writing that it is not exceeding the total requested load as ordered on the collocation application. This attestation must be provided on an arrangement-by-arrangement basis and must be received by the Telephone Company no later than the last day of December for each year the arrangement is in service. (N)

Verizon New England Inc.

2. **Physical Collocation**
2.3 **Responsibility of the CLEC**

2.3.6 Technical Specifications		(X)
A.	CLEC equipment which is not on the Telephone Company's list of approved products for central office equipment, must fully comply with NEBS, GR-63-CORE, GR-1089-CORE, IP-72201, workmanship requirement profile and the Telephone Company's central office, engineering, environmental and transmission standards as they relate to fire, safety, health, environmental safeguards, or interference with the Telephone Company's services or facilities.	(X)
B.	CLEC equipment and installation of the CLEC's equipment must also comply with IP-72201. All CLEC entrance facilities and splices must comply with GR-20-CORE, NX620020912NY, NX620020911NY, NX620020913NY, and NY620020910NY, as they relate to fire, safety, health, environmental safeguards or interference with Telephone Company services or facilities.	
C.	CLEC facilities shall be placed, maintained, relocated or removed in accordance with the applicable requirements and specifications of the current edition of NIP-74171, NEC, NESC, OSHA, and any governing authority having jurisdiction.	
D.	The equipment located in, on or above the exterior walls or roof of the Telephone Company's building must either be on the Telephone Company's list of approved products or comply with GR-63-CORE, GR-1089-CORE and NIP-74171. This equipment must also fully comply with IP-72201, and central office engineering environmental and transmission standards as they relate to fire, safety, health, environmental safeguards, or interference with Telephone Company service or facilities.	
E.	Where a difference may exist in the technical specifications, the more stringent shall apply.	
F.	CLEC equipment must conform to the same specific risk/safety/hazard standards which the Telephone Company imposes on its own central office equipment as defined in RNSA-NEB-95-0003, revision 8 or higher. CLEC equipment is not required to meet the same performance and reliability standards as the Telephone Company imposes on its own equipment as defined in RNSA-NEB-95-003, revision 8 or higher.	

Verizon New England Inc.

2. Physical Collocation

2.6 Application of Rates and Charges

2.6.1 Application Fee

- | | |
|----|--|
| A. | For establishment of a multiplexing node the CLEC is responsible to pay 25% of the applicable NRC. |
|----|--|

2.6.2 Space Conditioning

- | | |
|----|---|
| A. | Space conditioning charges apply based on the square footage of the actual node (i.e., 25 sq.ft., 100 sq.ft., 300 sq.ft.). The square foot charge applies according to geographic designations (metro, urban, suburban or rural). An additional square foot charge applies per each 20 square feet added to the 100 sq. ft. node arrangement. |
|----|---|

2.6.3 Occupancy

- | | |
|----|---|
| A. | Building Expense —The monthly rate applies per square foot. The square foot charge applies according to geographic designations (metro, urban, suburban or rural). |
| B. | POT Bay Frame
1. The POT bay frame NRC applies for the investment and/or the installation of the POT bay frame in accordance with the following option chosen by the CLEC. An NRC does not apply when the CLEC purchases and installs a POT bay within the confines of the CLEC multiplexing node.
a. Option 1 —The Telephone Company provides for the material and installation.
b. Option 2 —The CLEC provides the material and transfers ownership to the Telephone Company for the sum of one dollar. The Telephone Company installs the equipment.
c. Option 3 —The CLEC provides the material and installs the equipment within the multiplexing node.
2. For Options 1 and 2, a monthly rate applies per bay of equipment installed in the common area. |
| C. | DC Power —Applies for the provision of -48V DC protected power required by the CLEC equipment in the multiplexing node. The power is assessed per load amp, per feed requested. The rate applies according to geographic designations (metro, urban, suburban or rural). (C) |

Verizon New England Inc.

3. Virtual Collocation

3.5 Application of Rates and Charges

3.5.6 Fiber Placement and Splicing

- A. Time and materials charges apply, per Telephone Company technician/engineer, for pulling the fiber from manhole zero to the splice point and performing the splice to Telephone Company provided optical fiber non-metallic riser-related (OFNR) type cable. The technician's/engineer's time is multiplied by the appropriate labor rates contained in Part M.

3.5.7 Entrance Fiber Termination

- A. An entrance fiber termination charge applies for providing and servicing the OFNR-type fibers and associated FDF termination. This also includes the support service for the CLEC-provided, Telephone Company-owned outside plant cable from manhole zero. This monthly charge applies, on a per termination basis in units of twelve strands. This charge also provides for the splice enclosure.

3.5.8 Fiber Distribution Frame (FDF)

- A. The FDF to virtual serving arrangement rate applies per two fibers for the cross connect at the FDF, as well as for the associated cabling to the virtual arrangement. This rate applies only when the CLEC provides their own fiber to the Telephone Company manhole.

3.5.9 Direct Current (DC) Power

- A. This monthly charge applies for the provision of -48V DC protected power required by the CLEC's equipment. It is assessed per load amp, per feed requested. The rate (C) applies according to geographic designations set forth in Part E, Section 2.

3.5.10 Equipment Support

- A. This monthly charge provides for monthly support services, such as the cost of providing rack space, environmental support, central office alarming to directly support the equipment itself. Rack space is comprised of the cost of providing, on a monthly basis, space for the equipment to be mounted, but specifically excludes direct current power and fuse panel. Environmental and building support is also provided for in this charge. The rate applies according to geographic designations.

Verizon New England Inc.

6. Secured Collocation Open Physical Environment (SCOPE)
6.2 Responsibility of the Telephone Company

6.2.1 Accommodations	
A.	The Telephone Company will designate the floor space location specific for each bay of equipment installed.
B.	The Telephone Company will provide AC convenience outlets and -48V DC power, battery and generator backup power, heat, air-conditioning and other environmental support in connection with the CLEC's equipment in the same manner it provides such support items in connection with its own equipment within that central office.
1.	-48V DC power shall be provided per load amp, per feed. AC convenience outlets and common aisle lighting will be provided for the entire SCOPE area and will be shared by all CLECs. (C)
C.	The Telephone Company always provides the SPOT bay (frame and terminations).

Verizon New England Inc.

9. Cageless Collocation Open Environment (CCOE)
9.2 Responsibility of the Telephone Company

9.2.1 Accommodations	
A.	The Telephone Company will work cooperatively with the CLEC to develop an equipment layout that complies with the equipment specification and to minimize space requirements. The Telephone Company reserves the right to designate the specific location within the central office for installation.
B.	Space for additional bays for future use may be reserved, if available, until such time as the Telephone Company requires the reserved bay to meet another CLEC's request. The Telephone Company will make reasonable efforts to assign reserved bay space so that they are located next to the CLEC's existing equipment bay, however, the Telephone Company makes no guarantee to that effect.
C.	To the extent that a CLEC requires use of a Telephone Company local exchange line, the CLEC must order an administrative business line. CLECs may not use Telephone Company official lines.
D.	The Telephone Company will designate the floor space location specific for each bay of equipment installed.
E.	The Telephone Company will provide -48V DC power (per load amp, per feed), battery and generator backup power, heat, air conditioning and other environment support in connection with the CLEC's equipment in the same manner it provides such support items in connection with its own transmission equipment within that central office.
1.	The Telephone Company will provide access to junction boxes so that CLECs may contract directly with a Telephone Company approved vendor for the installation of the AC convenience outlets, overhead lighting and equipment superstructure to comply with IP 72201 and match existing central office infrastructure.

9.2.2 Security	
A.	The Telephone Company may use reasonable security measures to protect its equipment, including enclosing its equipment in its own cage or other separation, utilizing monitored card reader systems, digital security cameras, badges with computerized tracking systems, identification swipe cards, keyed access, and/or logs, as deemed appropriate by the Telephone Company.
B.	The Telephone Company will determine the appropriate level of security in each central office.
C.	Subject to the provisions of Section 9.3.3, the Telephone Company will provide the CLEC with non-employee identification badge applications. This badge will permit direct access to the location of the CLEC's CCOE arrangement in the central office. The Telephone Company will also issue access cards to each listed employee/vendor where access card systems are installed.

Verizon New England Inc.

11. Collocation at Remote Terminal Equipment Enclosures (CRTEE)**11.2 Application of Rates and Charges****11.2.1 Nonrecurring Charges**

- | | |
|----|---|
| A. | The following NRCs will apply. |
| 1. | Remote Terminal Serving Address Inquiry—Applies per request. |
| 2. | Preliminary Engineering Records Review—Applies per request. |
| 3. | Site Survey for Space Availability Inquiry—Applies per request. |
| 4. | Application Fee—Applies per CRTEE arrangement request. |
| 5. | Engineering and Implementation Fee—Applies per CRTEE arrangement request. |
| 6. | Site Preparation Fee—Applies per CRTEE arrangement request, as required. |

11.2.2 Monthly Rates

- | | |
|----|--|
| A. | Equipment Support—Geographically deaveraged rate applies per half rack or portion thereof (associated with the footprint of the equipment bay). Refer to Part M, Section 5.3.9. |
| B. | DC Power—Geographically deaveraged rate applies, per load amp, per feed requested, when CLEC equipment is located within the RTEE (less than or equal to 60 amps). Refer to Part M, Section 5.3.8. (C) |
| C. | Conduit and Space—Applies per foot, per cable, for cabling and cable support between the demarcation point and any Telephone Company-owned cross-connect points. Refer to Part M, Section 5.2.7. (C) |

11.2.3 Other

- | | |
|----|---|
| A. | For physical CRTEE arrangements, the SAC Cable and Frame Termination will apply (refer to Part E, Section 2.6.4). |
| B. | For virtual CRTEE arrangements, the IAC rates and charges will apply (refer to Part E, Section 3.5.5). |
| C. | Escorting—Refer to Part E, Section 2.6.6 and Section 3.5.14. |

Verizon New England Inc.

2. Rates and Charges
2.6 Local Switching

2.6.3 Usage				
ID	Service Category	Rate Element	Rate	USOC
	Unbundled Telephone Company Reciprocal Compensation	Rural - Peak - Per MOU	.005590	
		Rural - Off Peak - Per MOU	.002061	
	Unbundled TC Reciprocal Compensation	Metro - Peak - Per MOU	.002108	(R)
		Metro - Off Peak - Per MOU	.002108	
		Urban - Peak - Per MOU	.002108	
		Urban - Off Peak - Per MOU	.002108	
		Suburban - Peak - Per MOU	.002108	
		Suburban - Off Peak - Per MOU	.002108	
		Rural - Peak - Per MOU	.002108	
		Rural - Off Peak - Per MOU	.002108	(R)

Verizon New England Inc.

3. Rates and Charges

3.1 Switched Interconnection Services

3.1.1 Meet Point A Arrangements				
ID	Service Category	Rate Element	Rate	USOC
	End Office - MOU	Metro - Peak - Per MOU	.005513	
		Metro - Off-Peak - Per MOU	.002061	
		Urban - Peak - Per MOU	.005590	
		Urban - Off-Peak - Per MOU	.002061	
		Suburban - Peak - Per MOU	.005590	
		Suburban - Off-Peak - Per MOU	.002061	
		Rural - Peak - Per MOU	.005590	
		Rural - Off-Peak - Per MOU	.002061	
	Billing Platform	Two-Way RTET - Monthly - Per DS1	7.91	VRCHP
		Two-Way RTET - Monthly - Per DS3	221.42	URCH3
	Billing Platform Configuration	NRC - Per RTET trunk group	46.20	NR9GW

3.1.2 Meet Point B Arrangements				
ID	Service Category	Rate Element	Rate	USOC
	Access Tandem - MOU	Metro - Peak - Per MOU	.013330	
		Metro - Off-Peak - Per MOU	.004388	
		Urban - Peak - Per MOU	.013407	
		Urban - Off-Peak - Per MOU	.004388	
		Suburban - Peak - Per MOU	.013407	
		Suburban - Off-Peak - Per MOU	.004388	
		Rural - Peak - Per MOU	.013407	
		Rural - Off-Peak - Per MOU	.004388	
	Billing Platform	Two-Way RTET - Monthly - Per DS1	7.91	URCHP
		Two-Way RTET - Monthly - Per DS3	221.42	URCH3
	Billing Platform Configuration	NRC - Per RTET trunk group	46.20	NP9GW

Verizon New England Inc.

3. Rates and Charges

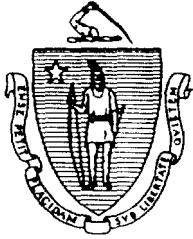
3.1 Switched Interconnection Services

3.1.2 Meet Point B Arrangements				
ID	Service Category	Rate Element	Rate	USOC
	Tandem Transit Service (TTS) - MOU	Peak - Per MOU	0.008642	
		Off Peak - Per MOU	0.002702	

3.1.3 Meet Point C				
ID	Service Category	Rate Element	Rate	USOC
	MOU	Metro - Peak - Per MOU	0.004647	
		Metro - Off-Peak - Per MOU	0.001872	
		Urban - Peak - Per MOU	0.004724	(R)
		Urban - Off-Peak - Per MOU	0.001872	
		Suburban - Peak - Per MOU	0.004724	
		Suburban - Off-Peak - Per MOU	0.001872	
		Rural - Peak - Per MOU	0.004724	
		Rural - Off-Peak - Per MOU	0.001872	(R)
	Line Port Charge	Metro - Monthly - Per DS1	92.79	
		Urban - Monthly - Per DS1	120.27	
		Suburban - Monthly - Per DS1	109.56	
		Rural - Monthly - Per DS1	191.81	

3.1.4 800 Database Access				
ID	Service Category	Rate Element	Rate	USOC
	800 Database Access	800 Database 800 Service Provider Identification - Per query	0.00108	
		800 to POTS Translation - Per query	0.00108	
		Call Handling and Destination - Monthly - Per query	0.00108	

APPENDIX B



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

DEPARTMENT OF
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JANE SWIFT
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DIRECTOR OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

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COMMISSIONER

February 21, 2001

Phase III-B Clarification Order, D.T.E. 98-57-Phase III

To All Parties to D.T.E. 98-57-Phase III:

On January 29, 2001, Verizon Massachusetts ("Verizon") filed with the Department of Telecommunications and Energy ("Department") a motion for clarification of three aspects of the Department's Phase III-A Reconsideration Order¹ (Verizon Motion at 1). Namely, Verizon seeks clarification about whether: (a) it may charge competitive local exchange carriers ("CLECs") that request Verizon to condition copper distribution facilities that meet Carrier Serving Area ("CSA") standards; (b) the Department intended to impose line splitting obligations beyond those set forth in relevant Federal Communications Commission ("FCC") decisions; and (c) the Department modified an earlier "plug and play" ruling (*id.*). On February 1, 2001, the Department sought comments only on Verizon's first issue, *i.e.*, conditioning charges, after determining that it required no additional information to rule on the last two issues. No party submitted comments on Verizon's conditioning charge clarification request.

As an initial matter, we note that clarification of previously issued Orders may be granted when an Order is silent as to the disposition of a specific issue requiring determination, or when the Order contains language that is sufficiently ambiguous to leave doubt as to its meaning.² The Department grants Verizon's motion for clarification with respect to conditioning charges and line splitting but finds that Verizon's plug and play request does not

¹ D.T.E. 98-57-Phase III-A (January 8, 2001) ("Phase III-A Reconsideration Order").

² Phase III-A Reconsideration Order at 54 (citations omitted).

meet our clarification standard of review.

In its clarification motion, Verizon argues that the Department relied on statements made by Covad Communications Company ("Covad") in rejecting Verizon's request to reconsider the Department's earlier ruling on loop conditioning and qualification charges (Verizon Motion at 2-3, citing Phase III-A Reconsideration Order at 36). Specifically, Verizon contends that the Department noted with support Covad's statement that if Verizon followed CSA standards,³ it would not have deployed bridged tap in excess of a length that would affect xDSL service; thus, the Department concluded that in a fiber fed network, Verizon would not have to condition loops to support xDSL service and Verizon should not be permitted to recover its conditioning costs (*id.*). Verizon urges the Department to permit it to recover its conditioning costs if it provides a CLEC with a CSA-compliant xDSL loop that the CLEC requests to be cleaned of all bridged tap, arguing that this clarification would be consistent with the Department's Phase III-A ruling (*id.*).

The Department grants this part of Verizon's motion and clarifies its loop conditioning rulings to permit Verizon to charge CLECs to remove bridged tap from CSA-compliant loops unless the CLEC can demonstrate to the Department that such an offered loop does not support any xDSL service (in which case such conditioning work will be performed by Verizon at no charge). The Department agrees with Verizon that its responsibility to requesting CLECs is to provide them with loops that can support xDSL service and that our Phase III record shows that xDSL service can be provided over CSA-compliant loops. The record is uncontroverted on this point.

In sum, Verizon is required to condition loops by removing load coils and excess bridged tap, which means 2,500 feet in total bridged tap on a single loop or a single bridged tap greater than 2,000 feet, for requesting CLECs free of charge. If a CLEC seeks to have bridged tap removed from a loop that meets CSA standards, Verizon may charge that CLEC its conditioning costs unless the CLEC can demonstrate to the Department that the loop cannot support xDSL service. The Department will consider the appropriate rates for such conditioning work in our continuing Phase III proceeding. During the interim, Verizon shall apply its proposed rates from Part M, Section 2.5.4, Page 9, of the tariff it filed with the Department in May 2000.

We grant Verizon's request to clarify our line splitting ruling. When the Department issued its Phase III-A Reconsideration Order, we did not have the benefit of a relevant FCC decision issued after January 8, 2000. On January 19, 2001, the FCC released a

³ According to Covad, the CSA standard requires Verizon to deploy no more than 2,500 feet in total bridged tap on each loop and no single bridged tap longer than 2,000 feet. See Phase III-A Reconsideration Order at 30 (further citations omitted).

Reconsideration Order⁴ of its Line Sharing Order.⁵ Among other things, the Line Sharing Reconsideration Order affirms that incumbent local exchange carriers have an existing legal obligation to provide line splitting, and repeats language it used in its SWBT Texas Order⁶ with respect to line splitting and UNE-Platform.⁷ Verizon is correct that it was the Department's intention in its Phase III-A Reconsideration Order to require Verizon to provide line splitting in accordance with FCC Orders and rules (Verizon Motion at 4). The Department does not impose line splitting obligations on Verizon beyond those set forth in the FCC's SWBT Texas Order and its Line Sharing Reconsideration Order.

Finally, Verizon's request that the Department clarify a press release issued by a Phase III party concerning plug and play, and not our Order, clearly does not meet our clarification standard of review (*id.* at 5-8). To the best of our collective knowledge, the Department has never issued an Order to clarify press releases or other statements made to the press. Consequently, this part of Verizon's motion is denied. Our Phase III Orders are clear that

⁴ Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, FCC 01-26 (rel. Jan. 19, 2001) (further citation omitted) ("Line Sharing Reconsideration Order").

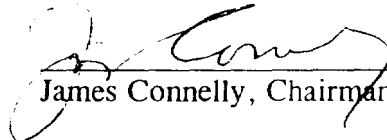
⁵ Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912 (rel. Dec. 9, 1999) ("Line Sharing Order").

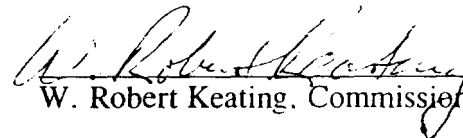
⁶ Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas, CC Docket No. 00-65, Memorandum Opinion and Order, FCC 00-238 (2000) ("SWBT Texas Order").

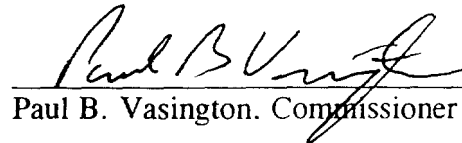
⁷ See Line Sharing Reconsideration Order at ¶ 19, citing SWBT Texas Order at ¶ 325.

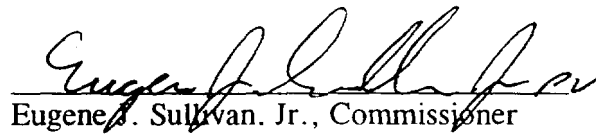
while the Department will consider Verizon's plug and play proposal (together with a Verizon-proposed alternative to plug and play if Verizon chooses to file such a tariff), we must reach certain findings before we will require Verizon to permit unbundled packet switching.⁸

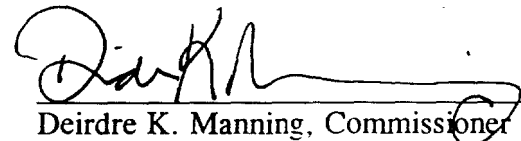
By Order of the Department,


James Connelly, Chairman


W. Robert Keating, Commissioner

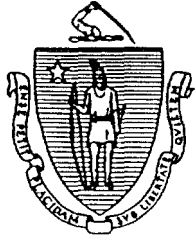

Paul B. Vasington, Commissioner


Eugene J. Sullivan, Jr., Commissioner


Deirdre K. Manning, Commissioner

⁸ See e.g., Phase III Order at 87-89.

APPENDIX C



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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DEIRDRE K. MANNING
COMMISSIONER

February 23, 2001

Performance Assurance Plan Compliance Order, D.T.E. 99-271

To All Participants to D.T.E. 99-271:

On January 30, 2001, Verizon New England, Inc. d/b/a/ Verizon Massachusetts ("Verizon") filed with the Department of Telecommunications and Energy ("Department") proposed revisions to the Performance Assurance Plan ("PAP" or "Plan") in accordance with earlier Department directives. In response to a Department request for comments, several participants submitted filings on February 9, 2001 that were critical of several provisions of Verizon's proposal. Verizon responded to these commenters on February 16, 2001. Finally, on February 16, 2001, the Department sought additional information from Verizon, which it provided on February 21, 2001.

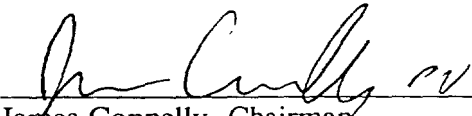
Upon review of the comments filed in February and our previous PAP Orders, we agree with Verizon that: (1) the Department has already considered and addressed at least one of the arguments raised by a commenter;¹ (2) Verizon acted in a timely fashion to implement a new reporting requirement (i.e., the Achieved Flow Through metric); and (3) Verizon's

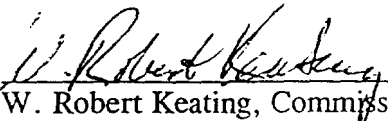
¹ See e.g., WorldCom, Inc.'s Comments at 2; Order on Motions for Clarification and Reconsideration of the Performance Assurance Plan, D.T.E. 99-71, at 12-13 (November 21, 2000) (finding that the performance credits available to carriers in Massachusetts under the Consolidated Arbitrations are greater than those available to carriers in New York through contract remedies) (further citation omitted) ("PAP Clarification and Reconsideration Order").

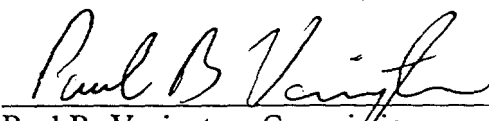
suggested time line for resolving waiver disputes for Massachusetts is comparable to that provided for in New York and, if we determine it is appropriate, we have the discretion to accelerate this time line. Consequently, we determine that one issue raised by commenters is ripe for consideration in this Order: whether Verizon's revised PAP adequately increases the amount of bill credits available under the PAP to account for new digital subscriber line metrics. See PAP Clarification and Reconsideration Order at 6. We conclude that it does.

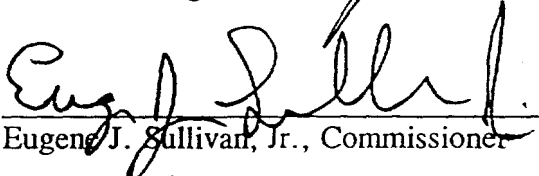
The information that Verizon presented recently to the Department and participants demonstrates that Verizon's proposal appropriately increases the amount of available bill credits so that the percentage of its net return at risk under the PAP remains identical between Massachusetts and New York.² Moreover, this information clearly shows that Verizon allocated this increase among the various PAP categories to maintain, on a percentage basis, equivalence between the Massachusetts and New York Plans. Accordingly, we find that Verizon's proposed revisions comply with our PAP Clarification and Reconsideration Order and, therefore, we approve Verizon's January 30, 2001 revised PAP.

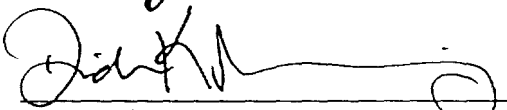
By Order of the Department,


James Connelly, Chairman


W. Robert Keating, Commissioner


Paul B. Vasington, Commissioner


Eugene J. Sullivan, Jr., Commissioner


Deirdre K. Manning, Commissioner

² See Verizon's February 21, 2001 response to the Department's February 16, 2001 question, Attach. 2, D.T.E. 99-271 (indicating that the total amount at risk in both states equals just under 39.4 percent of Verizon's total net return, using Automated Reporting Management Information System data).